

REMARKS

Initially, claims 9 - 14, 27, 28 and 30 - 32 are indicated in the Official Action to contain allowable subject matter. It is further indicated that these claims would be allowable if rewritten in independent form.

Accordingly, claim 9 has been rewritten in independent form to contain the limitations of claims 7 and 8 from which it depends, with claims 7 and 8 being cancelled. Accordingly, claim 9 is now presented in allowable form. Claims 10 through 22 have been amended as to dependency, where necessary, to directly or indirectly depend from claim 9 and are therefor believed to be in allowable condition.

Allowable claim 27 has also been rewritten in independent form to contain most of the limitations of claims 23 - 26 from which it depends and particularly those limitations forming the antecedent basis for recitations of original claim 26. Accordingly, claim 27 is believed to be in allowable condition as is original claim 28 which depends therefrom.

Claim 30 has also been written in independent form as containing allowable subject matter, thereby incorporating all of the limitations of independent claim 29 from which it depended and which has now been cancelled. Allowable claims 31 and 32 depend from allowable claim 30. Claims 33 - 36 have been cancelled.

Finally, claims 1 - 4 and 6 remain in the application for further consideration. In that respect, claim 1 has been amended to incorporate the recitations of original claim 5 which is now cancelled and other related limitations. Original claims 1, 2 and 4 - 6 were rejected under 35 USC Sec. 102 has been anticipated by Lowery U.S. Patent No. 4,979,553 (hereinafter "Lowery patent"). In that respect, the Official Action directed attention to the body portions 48 of PVC and having hinges in the form of engaging hook elements and cladding 20 having hooks at each edge thereof.

The Lowery patent relates to a slat assembly for a rolling door that is combined with a plurality of slat assemblies to form a curtain 10. The primary slat 18 is disclosed as preferably made of metal such as steel or aluminum and having a web portion 20 which is generally planer to form a substantially continuous planer surface. The slat 18 has extending from the web portion 20 an integral upper curved portion or upper bead 22 and a lower curved portion or lower bead 24. This can be

seen in Fig. 1 of the Lowery patent. The upper bead 24 of the main slats 18 are configured to pivotably engage in an interlocking manner the lower bead 24 of a slat assemblies disposed immediately thereabove when the curtain is constructed and disposed in a vertical closed position relative to a door opening. As can be readily seen from Fig. 1 of the Lowery patent, the upper curved portion 22 and the lower curved portion 24 are configured such that the door may traverse between a vertical and a horizontal position. Articulation is effected solely by relative pivotal motion between the upper curved portion 22 and the lower curved portion 24.

In contrast, the articulation of applicant's door through a transition track section between a vertical track section and a horizontal track section is otherwise effected. As seen in Figs. 14A - 14D of the drawings, articulation between panels of applicant's door is accomplished by a combination of pivoting motion between flexible hooks at the upper and lower edges of the door and subsequently a partial separation of the flexible hooks as permitted by the flexible hinge member which progressively occurs as seen in the Figs. 14B - 14D positions of greater angularity between adjacent door panels during the articulation thereof. This configuration and the resultant operation provides the necessary articulation while producing a pinch resistant door with other advantageous operational features. In contrast, the Lowery patent clearly does not produce a pinch resistant configuration.

Claim 1 as amended herein above now expressly recites that the hooks are flexible and that the hinge member is flexible such that the hinge member in encompassing the hooks maintains a pivot axis for the hooks during a portion of the pivotable motion and for permitting flexing separation of the hooks during another portion of the pivotable motion constituting the articulation between adjacent panels. The Lowery patent in no way discloses flexible hooks encompassed by a flexible hinge member to permit flexing separation of the hooks during a portion of the pivotable motion of the panels. Thus, claim 1, as amended, clearly patentably distinguishes over the teachings of the Lowery patent. Claims 2 - 4 and 6 are believed to be allowable as depending from claim 1.

Application No.: 10/715,973
Amendment dated: January 19, 2005
Reply to Office Action of July 19, 2004

In view of the above claim amendments and related discussion, reconsideration and favorable action on claims 1 - 4, 6, 9 - 22, 27 - 28 and 30 - 32 is earnestly solicited.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



Phillip L. Kenner, Reg. No. 22,353
RENNER, KENNER, GRIEVE, BOBAK, TAYLOR & WEBER
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
Attorneys for Applicants

Date: January 19, 2005